

HOUSE BILL 2885  
By Newton

AN ACT to amend Tennessee Code Annotated, Section 40-28-115  
and Section 40-35-501, relative to the eligibility of parole.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

Tennessee Code Annotated Section 40-28-115 is amended by adding the following language as new subsection(h):

- (h) The department of correction shall not certify an inmate for a parole grant hearing, other than an initial grant hearing, if, at the time the department would otherwise have certified the inmate as eligible, the inmate is classified as close custody. Such decertification shall continue for the duration of such classification, and for a period of one (1) year thereafter.

Tennessee Code Annotated Section 40-28-115 is further amended by adding the following language as new subsection (i):

- (i) The department of correction shall not certify an inmate for a parole grant hearing, other than an initial grant hearing, if, at the time the department would otherwise have certified the inmate as eligible, the inmate is classified as maximum custody. Such decertification shall continue for the duration of such classification, and for a period of two (2) years thereafter.

Tennessee Code Annotated Section 40-35-501 be amended and the same is hereby amended by making a new subsection (L)(1) and renumbering subsequent subsections accordingly:

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**\*009624\***

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(L)(1) The department of correction shall not certify an inmate for a parole grant hearing, other than an initial grant hearing, if, at the time the department would otherwise have certified the inmate as eligible, the inmate is classified as close custody. Such decertification shall continue for the duration of such classification, and for a period of one (1) year thereafter.

Tennessee Code Annotated Section 40-35-501 is further amended by adding the following language as new subsection (L)(2) and renumbering subsequent subsections accordingly:

(L)(2) The department of correction shall not certify an inmate for a parole grant hearing, other than an initial grant hearing, if, at the time the department would otherwise have certified the inmate as eligible, the inmate is classified as maximum custody. Such decertification shall continue for the duration of such classification, and for a period of two (2) years thereafter.

This act shall become effective on July 1, 1998, the public welfare requiring it.

## Summary/Rationale

Close Custody classification is designed for inmates with recent, frequent and/or severe histories of assaultive or escape behaviors which indicate the need for close control. This custody level not only provides necessary control and supervision, but also maintains a degree of separation of assaultive, predatory inmates from their potential victims.

Maximum Custody classification inmates require the greatest degree of control and supervision due to recent and/or serious conduct directed toward staff or other inmates which threatens the security of the institution, or documented information which alerts staff to the potential for such impending behavior.

It has been the custom of the Board of Paroles to not grant parole to inmates classified as either close custody or maximum custody at the time of their parole hearing. Inmates are placed in close or maximum custody because of their violent or assaultive behavior towards other inmates or prison staff. They are seen as security risks within the institution, therefore they would not be seen as an appropriate risk outside of the institution.

FY 96-97     1,257 inmates were on close custody status at the time of their parole hearings.

FY 96-97      308 inmates were on maximum custody status at the time of their parole hearings.

These 1,665 parole hearings were held even though there was no possibility parole would be granted.

This amendment would ensure that the resources of both Board of Paroles and the institutions are used more efficiently. Inmates who have proven to be a risk while incarcerated would not have the privilege of a parole hearing until their behavior improves.